

BOARD OF APPEALS

Bill Beckwith, Chairman
Marsha A. Hopkins, Vice-Chair
Therol Brown
John Tate
Tom Waller

STAFF

Pete Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Chakevia Jones, Planning and Zoning Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
December 18, 2017
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on November 27, 2017.

PUBLIC HEARING

2. Petition No. A-672-17, Melanie Boyd Clay, Owner, request the following: Variance to Section 110-79 Accessory structures and uses, (f) *Architectural standards*, to allow for the construction of an accessory structure with **vertical pattern siding**, as opposed to the required horizontal pattern. Variance to Sec. 110-79. Accessory structures and uses. (c) (1) (b). to increase the footprint area from 1,800 square feet to 2,208 square feet to allow the construction of an accessory structure. The subject property is located in Land Lot 75 of the 7th District and fronts on Havenbrooke Court and Adams Road.
3. Petition No. A-676-17, Duane and Lorey Spohr, Owner, request the following: Variance to Section 110-125. A-R. (d) (6) to reduce side yard setback from 50 feet to 37 feet to allow the construction of an addition to an existing home. The subject property is located in Land Lot(s) 219 of the 4th District and fronts on Old Greenville Road.

**PETITION NO. A-672-17
Melanie Boyd Clay
135 Havenbrooke Court
Fayetteville, GA 30214**

Public Hearing Date November 27, 2017

The subject property is located at 135 Havenbrooke Court, Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79 Accessory structures and uses, (f) *Architectural standards*, to allow for the construction of an accessory structure with **vertical pattern siding**, as opposed to the required horizontal pattern. Variance to Sec. 110-79. Accessory structures and uses. (c) (1) (b). to increase the footprint area from 1,800 square feet to 2,208 square feet to allow the construction of an accessory structure. The subject property is located in Land Lot 75 of the 7th District and fronts on Havenbrooke Court.

History: The Final Plat of Havenbrooke Phase 2 was recorded on January 9, 1998 in Book 30 and Page 43-44. Tax Assessor's records indicate that the house was built in 1999 and according to the deed the applicant purchased the property in 2004.

The applicant provides the following information:

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

We are requesting an upward departure from the limit of 1800 square feet to 2208 square feet, a difference of only 408 square feet to construct an equipment storage building to complement our existing home using the same color and trim. Also we would like to include vertical lines on the new structure.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

Our property has been residential/agricultural since before we purchased it. We have kept the property as such since purchasing it in 2004.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,

This structure would help keep this property residential/agricultural in nature for us as well as the animals. It would be a hardship to contract with another builder to create different parameters and pay another deposit. As for the vertical lines; horizontal lines would catch water and create rust which would be unsightly.

3. Such conditions are peculiar to the particular piece of property involved; and,

This structure would allow this property to be maintained properly and to keep the area rural without equipment parked outside. The structure must be of adequate dimensions to contain a tractor, back hoe, and various other large machinery.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,

In keeping with regulations for this area we would be placing equipment out of sight and out of access to people, preventing possible injury. As the structure would be built in the rear of the property; it would not be immediately visible from the street.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,

This structure would be in keeping with other property structures in this area; for example 168 Sun Road, Fayetteville, GA 30214 which has two structures both with vertical siding, one which was constructed within the last 2 years.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance.

ENVIRONMENTAL MANAGEMENT: EMD reviewed and has no comments.

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

PUBLIC WORKS/ENGINEERING: No Public Works/Engineering issues.

WATER SYSTEM: No conflict.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Melanie Boyd Clay

MAILING ADDRESS: 135 Havenbrooke Court, Fayetteville, GA 30214

PHONE: 678-464-3426 E-MAIL: Melanie.L.Clay@gmail.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 75 LAND DISTRICT 7 PARCEL 072202005

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.82

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70

PRESENT USE OF SUBJECT PROPERTY: Personal/Agricultural-Residential

PROPOSED USE OF SUBJECT PROPERTY: Personal/Agricultural-Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-672-17

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Date: 10/13/2017

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2017

Received from Melanie Boyd Clay a check in the amount of \$ 220.00

for application filing fee, and \$ 200.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: October 13, 2017 Receipt Number: 5980472 - Application
5980474 - Sign

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Melanie Boyd Clay

Please Print Names

Property Tax Identification Number(s) of Subject Property: 07-2202-005

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7 District, and (if applicable to more than one land district) Land Lot(s) 75 of the District, and said property consists of a total of 2.82 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to N/A to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of **(my) (our)** knowledge and belief. Further, **(I) (We)** understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. **(I) (We)** understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. **(I) (We)** further acknowledge that additional information may be required by Fayette County in order to process this application.

Melanie Boyd Clay
Signature of Property Owner 1

135 Havenbrooke Ct. Fayetteville, GA 30214

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Charlene M. Hansard
Signature of Notary Public

10/12/17
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

CHARLENE M HANSARD
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA
MY COMMISSION EXPIRES
MAY 14, 2021

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
Section 110-79 (c)(1)(b)	1800 sq ft	2208 sq ft	408 sq ft
Section 110-79 (f)	horizontal pattern siding	vertical pattern siding	

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

We are requesting an upward departure from the limit of 1800 square feet to
2208 square feet, a difference of only 408 square feet to construct an equip-
ment storage building to complement our existing home using the same color
and trim. Also we would like to include vertical lines on the new structure.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
Our property has been residential/agricultural since before we purchased it. We have kept the
property as such since purchasing it in 2004.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
This structure would help keep this property residential/agricultural in nature for us as well as the animals.
It would be a hardship to contract with another builder to create different parameters and pay another
deposit. As for the vertical lines; horizontal lines would catch water and create rust which would be
unsightly.

3. Such conditions are peculiar to the particular piece of property involved.
This structure would allow this property to be maintained properly and to keep the area rural without
equipment parked outside. The structure must be of adequate dimensions to contain a tractor, back
hoe, and various other large machinery.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

In keeping with the regulations for this area we would be placing equipment out of sight and out of

access to people , preventing possible injury. As the structure would be built in the rear of the

property; it would not be immediately visible from the street.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

This structure would be in keeping with other property structures in this area; for example 168 Sun

Road, Fayetteville, GA 30214 which has two structures both with vertical siding, one of which was

constructed within the last 2 years.

SLEPIAN & SCHWARTZ, LLC
42 EASTBROOK BEND
PEACHTREE CITY, GA 30269

Doc ID: 006416910001 Type: QLR
Filed: 08/26/2004 at 12:19:25 PM
Fee Amt: \$365.90 Page 1 of 1
Transfer Tax: \$355.90
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 2592 PG 491

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 29th day of July, 2004, between STACEY V. CHAPMAN AND ERIC G. CHAPMAN, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and MELANIE L. BOYD AND CHRISTIAN S. VERMILYEA, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP and not as tenants in comon as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in Fee Simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 75 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 5, HAVENBROOKE, PHASE TWO, AS PER PLAT RECORDED IN PLAT BOOK 30, PAGES 43 AND 44, FAYETTE COUNTY RECORDS, WHICH PLAT IS HEREBY REFERRED TO AND MADE A PART OF THIS DESCRIPTION.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants with right of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in FEE SIMPLE, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

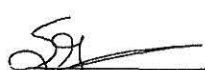
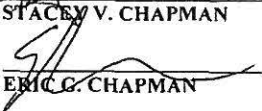
THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not a tenancy in common.

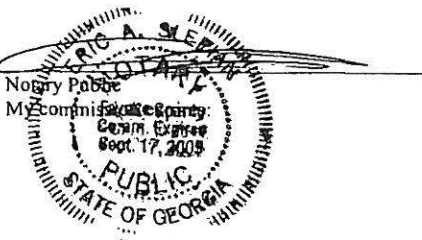
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:


Witness


STACEY V. CHAPMAN

ERIC G. CHAPMAN



MISCELLANEOUS PAYMENT RECPT#: 5980474
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/13/17 TIME: 11:39
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-672-17 (SIGN)
CHG:
ZS-Z A-672-17 (SIGN) 20.00

AMOUNT PAID: 20.00

PAID BY: MELANIE CLAY
PAYMENT METH: CHECK
386

REFERENCE:

AMT TENDERED: 20.00
AMT APPLIED: 20.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 5980472
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/13/17 TIME: 11:38
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-672-17 (APP)
CHG:
RZ-Z A-672-17 (APP) 200.00

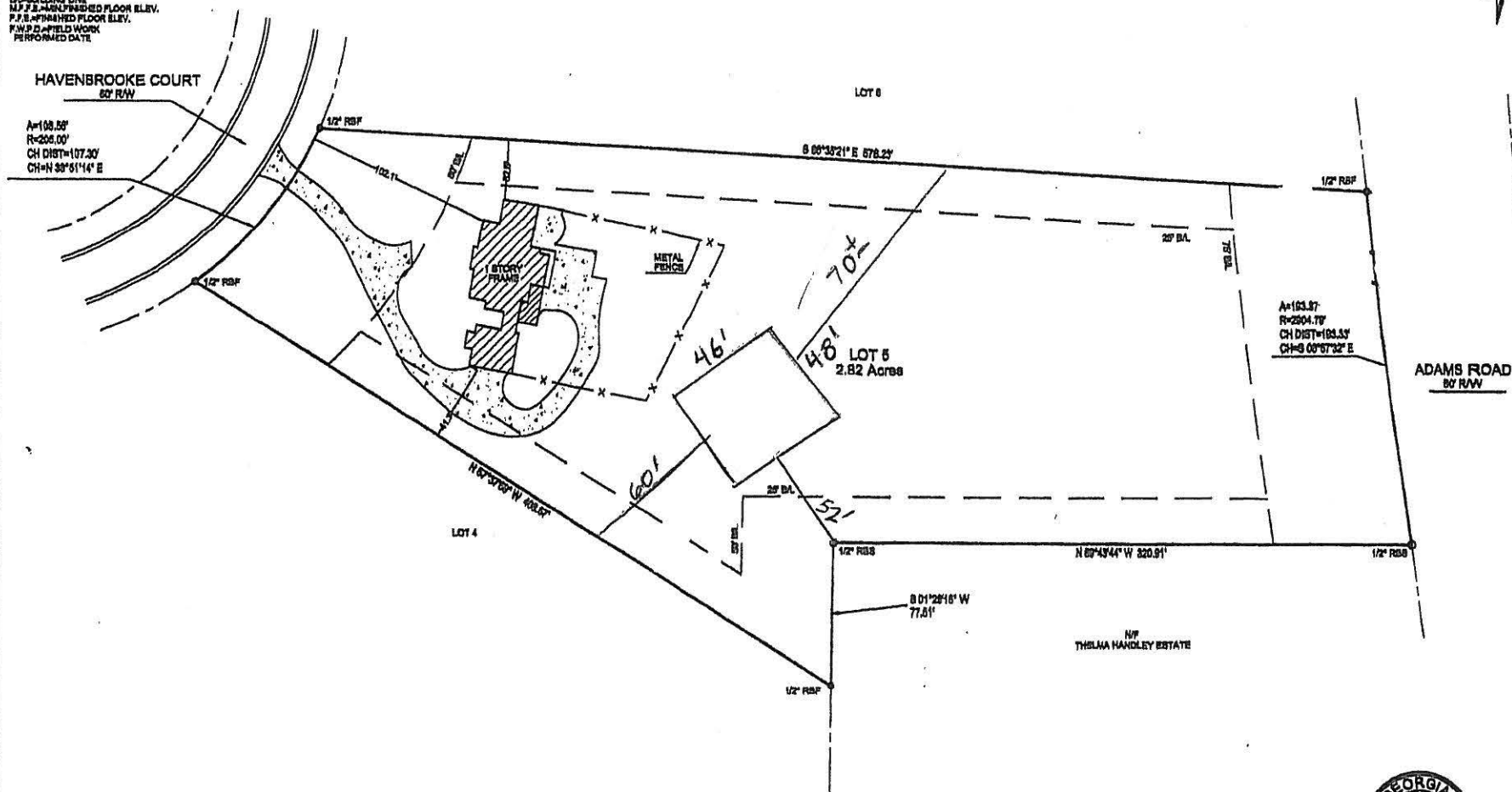
AMOUNT PAID: 200.00

PAID BY: MELANIE CLAY
PAYMENT METH: CHECK
386

REFERENCE:

AMT TENDERED: 200.00
AMT APPLIED: 200.00
CHANGE: .00

LEGEND
 IF=IRON PIN FOUND
 RF=IRON PIN SET
 OT=CRIP TOP PPS
 LL=LAND LOT
 LL=LAND LOT LINE
 P=PROPERTY LINE
 DL=DRAINAGE EASEMENT
 EP=EDGE OF PAVEMENT
 RW=RIGHT OF WAY
 SWS=SIDEWALK EASEMENT
 P.O.B.=POINT OF BEGINNING
 BL=BUILDING LINE
 DL=DRAINAGE EASEMENT
 BL=BUILDING LINE
 M.F.F.=MARKED FLOOR ELEV.
 P.F.F.=FINISHED FLOOR ELEV.
 F.W.P.D.=FIELD WORK PERFORMED DATE

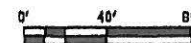


FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD
 INSURANCE RATE MAP, NUMBER
 1311000511, DATED SEPTEMBER 20,
 2008, NO PORTION OF THIS PROPERTY
 LIES WITHIN A SPECIAL FLOOD HAZARD
 AREA.

CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE
 PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00'
 00\"/>

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE
 ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 405
 TOTAL STATION



Prepared For:

MELANIE L. CLAY
 AND
 DAVID S. CLAY

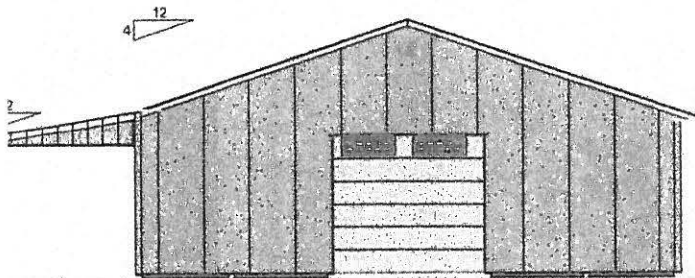
HAVENBROOKE
 PHASE TWO
 PLAT BOOK 30 PAGE 43

139 Havenbrooke Court - Fayetteville, Ga 30214
 Land Lot 75 Of The 7th Land District
 Fayette County, Georgia

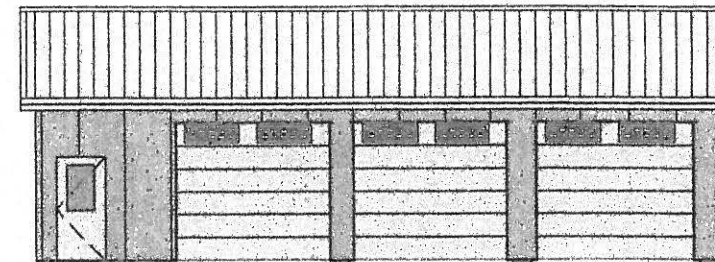
03/05/16

R.M. Boyd & Associates Inc.
 Land Surveying & Engineering

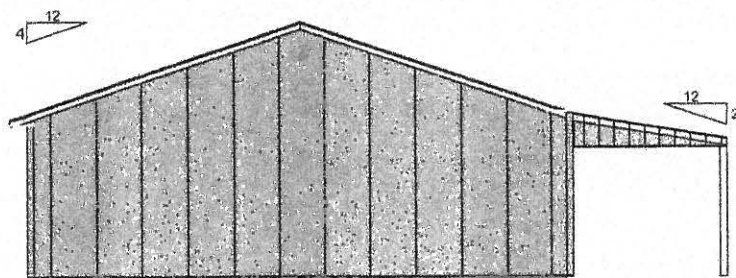
P.O. Box 64
 Fayetteville, GA 30268
 770-465-4342
 boyd2227@gmail.com



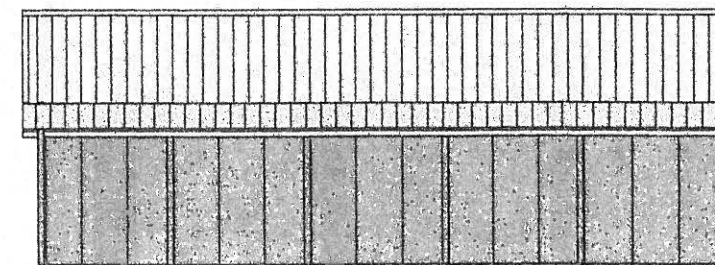
ENDWALL 1



SIDEWALL 1

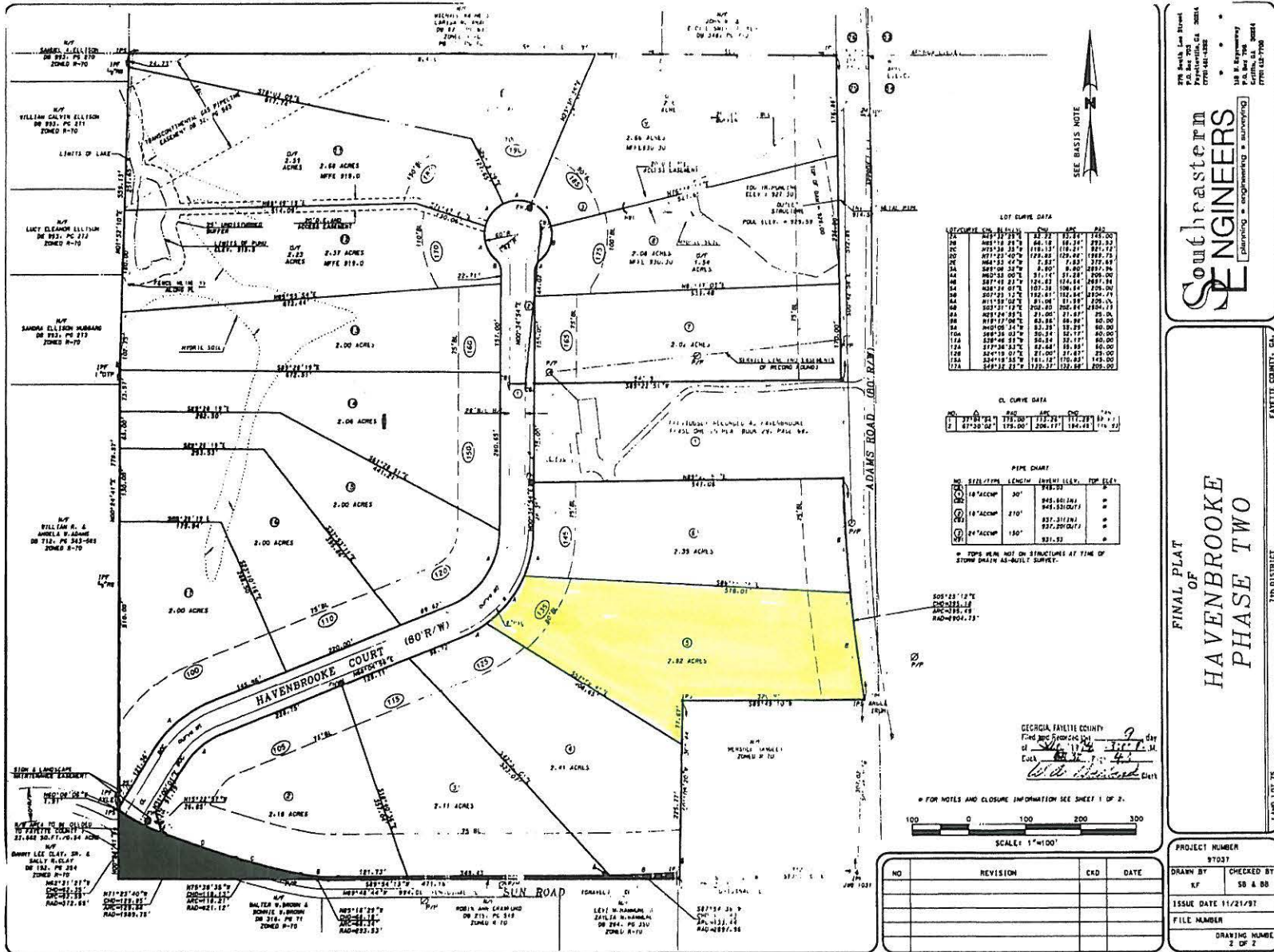


ENDWALL 2



SIDEWALL 2

LESTER BUILDINGS	DEALER INFO. Jordan Building Construction LLC 200 Carrington Lane Brooks, GA 30205	CUSTOMER INFO. Melanie Clay 135 Haverbrooke Ct Fayetteville, GA 30214	BUILDING DESCRIPTION 48'0" x 46'1" x 10'-0" Uni-Frame Embedded QP042116	Customer Approval <small>(Initials)</small> DATE: 6/1/2016	PROJ: P66A-15292-03-00 PROPOSAL DRAWINGS <small>Not Intended for Construction Purposes</small> <small>The information presented in this drawing is a preliminary design using the input provided. design is subject to Lester Engineering's</small> <small>* Not To Scale *</small>



South Eastern ENGINEERS
 Planning & Engineering & Surveying
 1700 South Lake Street
 P.O. Box 792
 Marietta, GA 30066
 (770) 422-4222
 FAX (770) 422-4222

FINAL PLAT OF HAVENBROOKE PHASE TWO
 7TH DISTRICT
 FAYETTE COUNTY, GA
 LAND LOT 75

FIRST AMERICAN MORTGAGE SERVICES
1100 SUPERIOR AVENUE, SUITE 200
CLEVELAND, OHIO 44114
NATIONAL RECORDING

After Recording ~~Return to:~~
VALUAMERICA
113 TECHNOLOGY DRIVE
PITTSBURGH, PA 15275
File No. 1273765182

This document prepared by:
CHARLES DARON HALL, ESQ.
8940 MAIN STREET
CLARENCE, NY 14031
716-634-3405

Tax ID No.: 072202005

Doc ID: 009165940003 Type: QCD
Recorded: 07/18/2013 at 09:05:00 AM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4088 PG 77-79

QUIT CLAIM DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE made and entered into on this 24th day of MAY, 2013, by and between MELANIE L. VERMILYEA, F/K/A MELANIE L. BOYD AND CHRISTIAN S. VERMILYEA, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP, of 135 HAVENBROOKE COURT, FAYETTEVILLE, GA 30214 hereinafter referred to as Grantor(s) and MELANIE L. VERMILYEA, AN UNMARRIED WOMAN, of 135 HAVENBROOKE COURT, FAYETTEVILLE, GA 30214, hereinafter referred to as Grantee(s).

WITNESSETH: That the said Grantors, for and in consideration of the sum of ONE and NO/100 (\$1.00) DOLLAR, cash in hand paid, the receipt of which is hereby acknowledged, have this day remise, release, quitclaim, grant, sell, and convey to the said Grantee following described real estate located in FAYETTE County, GEORGIA:

SEE ATTACHED EXHIBIT "A"

Also known as: 135 HAVENBROOKE COURT, FAYETTEVILLE, GA 30214
Property Tax ID No.: 072202005
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Prior instrument reference: BOOK 2592, PAGE 491, Recorded: 08/26/2004

TO HAVE AND TO HOLD the lot or parcel above described together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said Grantee and unto Grantee's heirs, administrators, successors or assigns, forever in FEE SIMPLE.

And that said conveyance does not render the grantor insolvent nor is it for the purpose of defrauding any of grantor's creditors.

Assessor's parcel No. 072202005

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals on this 24th day of May, 2013.

Melanie L. Vermilyea F/K/A Melanie L. Boyd
MELANIE L. VERMILYEA,
F/K/A MELANIE L. BOYD

WITNESSES:

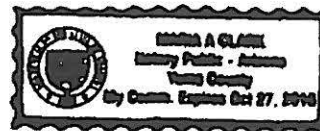
Maria A. Clark
NAME: Maria A. Clark
Angela R. Anger
NAME: Angela R. Anger
Christian S. Vermilyea
CHRISTIAN S. VERMILYEA

WITNESSES:

Maria A. Clark
NAME: Maria A. Clark
Angela R. Anger
NAME: Angela R. Anger
Maria A. Clark
Notary Public

My Commission Expires: 10/27/2016

(Notary Seal)



Maria A. Clark
Notary Public

My Commission Expires: 10/27/2016

(Notary Seal)

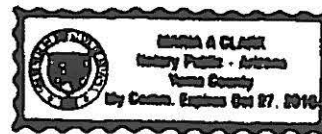


EXHIBIT A
LEGAL DESCRIPTION

LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS ALL THAT CERTAIN PROPERTY SITUATED IN CITY OF FAYETTEVILLE IN THE COUNTY OF FAYETTE, AND STATE OF GEORGIA AND BEING DESCRIBED IN A DEED DATED 07/29/2004 AND RECORDED 08/26/2004 IN BOOK 2592 PAGE 491 AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, AND REFERENCED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 75 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 5, HAVENBROOKE, PHASE TWO, AS PER PLAT RECORDED IN PLAT BOOK 30, PAGES 43 AND 44, FAYETTE COUNTY RECORDS, WHICH PLAT IS HEREBY REFERRED TO AND MADE A PART OF THIS DESCRIPTION.

PARCEL NO. 072202005

PROPERTY COMMONLY KNOWN AS: 135 HAVENBROOKE COURT, FAYETTEVILLE, GA 30214

VERMILYEA
47215449

GA

FIRST AMERICAN ELS
QUIT CLAIM DEED

**A-672-17
Aerials**

**SUBJECT
PROPERTY**



PETITION NO. A-676-17
Duane & Lorey Spohr
550 Old Greenville Road
Fayetteville, GA 30215
Public Hearing Date December 18, 2017

The subject property is located on Old Greenville Road, Fayetteville, GA 30215 and is zoned Agricultural-Residential (A-R) which requires a five (5) acre minimum. The applicant is requesting a Variance as follows:

Variance to Section 110-125. A-R. (d) (6) to reduce side yard setback from 50 feet to 37 feet to allow the construction of an addition to an existing home.

History: The subject property is a non-conforming lot of record. The subject property is 2.32 acres in size. Tax Assessor's records indicate that the house was built in 1977 and according to the deed the applicant purchased the property in 2017.

The applicant provides the following information:

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Would like to add a 4' x 22' addition to the back of the rear room. To enlarge this bedroom and closet. The house was built in 1977 prior to zoning ordinances the house sets 48' from the southern side line, the new addition will set approximately 37' from the northern side line. The ordinances were put into place in 1980 the house was already built.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

The extraordinary condition is the home was built in 1977 and the zoning ordinance went into effect in 1980. Therefore we are a non-conforming lot and do not meet any of the side line set backs with the home.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

With the current zoning the existing home that has never been renovated do not meet the current setbacks required by zoning of 50' side lines the house does not set square on the lot and therefore the more we add the more we encroach on the sidelines that we currently do not meet.

3. **Such conditions are peculiar to the particular piece of property involved; and,**

Nothing unusual

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

Not a detriment to the public good.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

Not sure of the other variances granted, but we are remaining residential.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

ENVIRONMENTAL HEALTH: No objections to variance

ENVIRONMENTAL MANAGEMENT: EMD has no comments

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

WATER SYSTEM: No conflict.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Duane and Lorey Spohr

MAILING ADDRESS: 550 Old Greenville Rd, Fayetteville, GA 30215

PHONE: 949-878-0325 E-MAIL: lorey.spohr@sabalcap.com

AGENT FOR OWNERS: Bob Barnard

MAILING ADDRESS: PO Box 875, Fayetteville, GA 30214

PHONE: 770-461-8418 E-MAIL: bob@remodelingdreams.com

PROPERTY LOCATION: LAND LOT 219 LAND DISTRICT 4th PARCEL 0440 033

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.32 acres

ZONING DISTRICT: ~~R3~~ residential lots A-R

ZONING OF SURROUNDING PROPERTIES: Same A-R, R-40

PRESENT USE OF SUBJECT PROPERTY: Residence

PROPOSED USE OF SUBJECT PROPERTY: Residence - would like to add 4' x 22' to rear of main house
Would also request approval for garage - located on the site plan and plans are attached

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-676-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

[] Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: December 18, 2012

Received from Barnard Associates Remodeling ^{CASH} a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: 11/29/17 Receipt Number: 6042493-sign
6042491-app.

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Lorey Spohr

Duane G. Spohr

Please Print Names

Property Tax Identification Number(s) of Subject Property: _____

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 219 of the District, and said property consists of a total of 2.32 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Robert (Bob) Bernard to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Lorey Spohr
Signature of Property Owner 1

550 Old Greenville Road
Address Fayetteville GA 30215

Duane G. Spohr
Signature of Property Owner 2

550 Old Greenville Road
Address Fayetteville GA 30215

Signature of Authorized Agent

Address

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

SEE ATTACHMENT

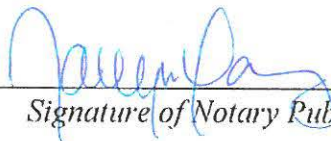
"A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

(STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On November 6, 2017, before me, Jaclyn Mary Lanning, Notary Public, personally appeared Lorey Spohr and Duane G. Spohr, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (SEAL)
Signature of Notary Public

Name: Jaclyn Mary Lanning



VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY



Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

1st Request

would like to add a 4'x22' addition to the back of the rear room. To enlarge this bedroom and closet.

The house was built in 1977 prior to zoning ordinances. the house sets 48' from the southern side line,

the new addition will set approximately ³⁷42' from the northern side line. The ordinances were put into place in ¹⁹⁸⁰1984 the house was already built.

2nd Request

Would like to construct a garage in the rear yard. it is shown on the site plan with set backs.

The foot print is 40'x36' it is 1,152 sq ft of unheated space. it will match the home in siding, roof color, window style with a drive way connecting to the main house.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

the extraordinary condition is the home was built in 1977 and the zoning ordinances went into effect in ¹⁹⁸⁰1984. Therefore we are a non conforming lot and do not meet any of the side line set backs with the home.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

With the current zoning the existing home, that has never been renovated do not meet the current set backs required by zoning of 50' side lines. the house does not set square on the lot and therefore the more we add the more we encroach on the sidelines that we currently do not meet.

3. Such conditions are peculiar to the particular piece of property involved.

NOTHING UNUSUAL

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

NOT A DETRIMENT TO THE PUBLIC GOOD

we are not requesting anything out of the ordinary to build. Everything would be permitted
under normal circumstances

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Not sure of other variances granted, but we are remaining residential.

Doc ID: 010200690001 Type: WD
 Recorded: 08/08/2017 at 10:00:00 AM
 Fee Amt: \$207.00 Page 1 of 1
 Transfer Tax: \$195.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK **4640** PG **705**

WHEN RECORDED RETURN TO:
 Law Firm of Stephen D. Ott, P.C.
 125 Flat Creek Trail, Suite 250
 Fayetteville, GA 30214
 File # 17-189

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, Made the day of JULY, in the year Two Thousand Seventeen (2017), between JOHN P. BOWEN and SANDRA G. BOWEN of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and LOREY SPOHR and DUANE GLENN SPOHR, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT MERELY AS TENANTS IN COMMON, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 219 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND LOCATED ON THE SOUTHEASTERLY SIDE OF OLD GREENVILLE ROAD (80 FOOT RIGHT OF WAY) 149.0 FEET SOUTHWESTERLY FROM THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF OLD GREENVILLE ROAD WITH THE SOUTHWESTERLY SIDE OF GOZA ROAD; RUNNING THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY SIDE OF OLD GREENVILLE ROAD 150.0 FEET TO AN IRON PIN FOUND; RUNNING THENCE SOUTH 57 DEGREES 27 MINUTES EAST 581.0 FEET TO AN IRON PIN FOUND; RUNNING THENCE NORTH 32 DEGREES 33 MINUTES EAST 126.8 FEET TO AN IRON PIN FOUND LOCATED ON THE LAND LOT LINE OF LAND LOT 219; RUNNING THENCE NORTH 1 DEGREE 15 MINUTES WEST ALONG SAID LAND LOT LINE 86.3 FEET TO AN IRON PIN FOUND; RUNNING THENCE NORTH 62 DEGREES 37 MINUTES WEST 540.3 FEET TO AN IRON PIN FOUND LOCATED ON THE SOUTHEASTERLY SIDE OF OLD GREENVILLE ROAD AT THE POINT OF BEGINNING, BEING IMPROVED PROPERTY HAVING A HOUSE LOCATED THEREON KNOWN AS NO. 550 OLD GREENVILLE ROAD, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN FAYETTE COUNTY, GEORGIA.

Deed Effective Date: July 31, 2017

This conveyance is made subject to all easements, covenants and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered this 26 day of JULY, 2017 in the presence of:

WITNESS

NOTARY PUBLIC

(My Commission Expires 12-16-2019)

JOHN P. BOWEN

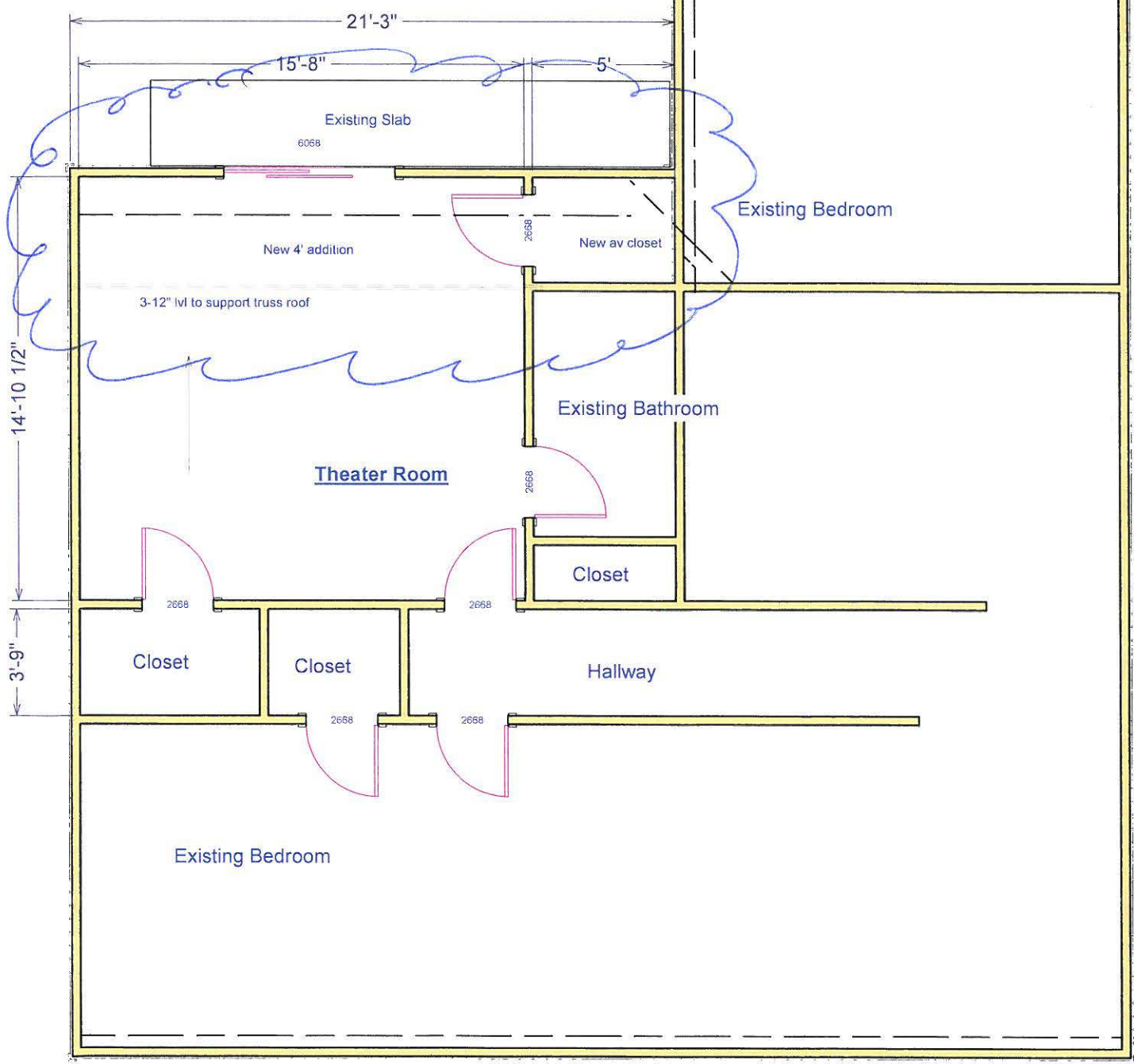
SANDRA G. BOWEN

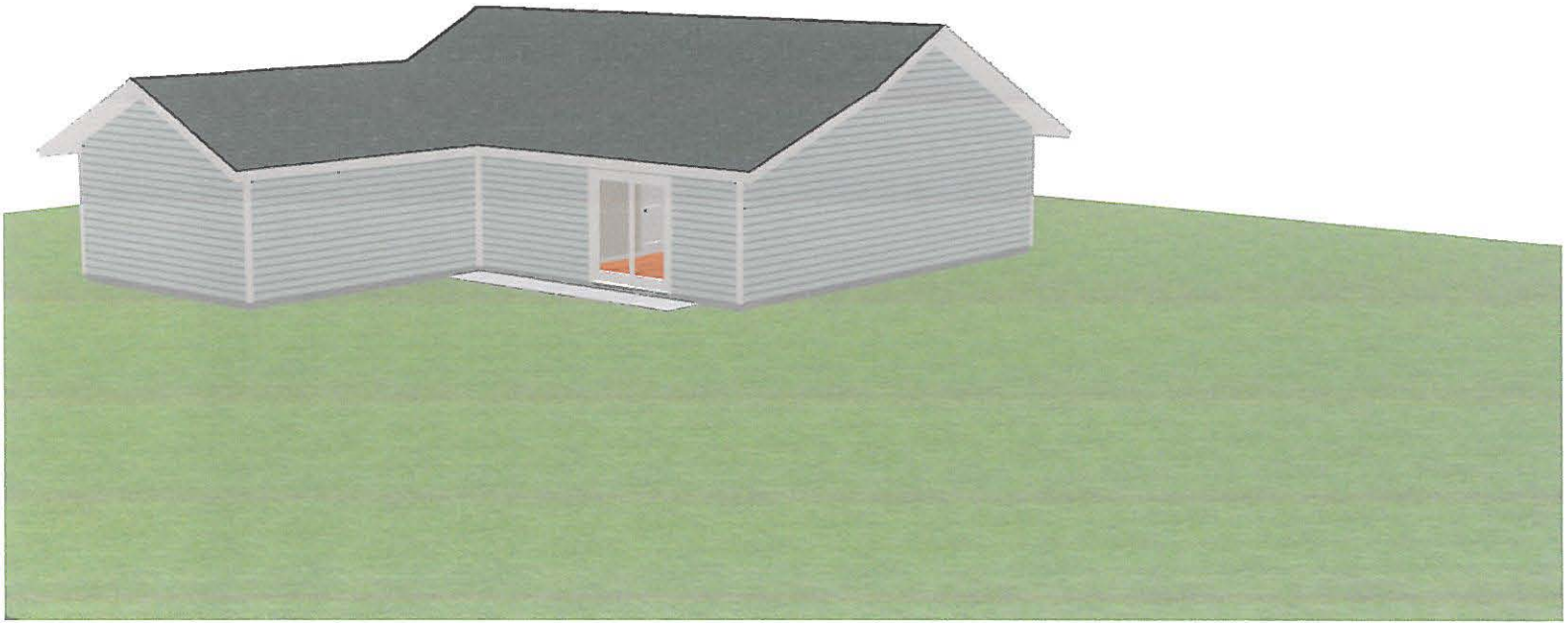


Mark James Campbell, II
 State of Florida
 MY COMMISSION # FF 944247
 Expires: December 16, 2019

Book: 4640 Page: 705 Seq: 1

Request 1





Request 1

MISCELLANEOUS PAYMENT RECPT#: 6042493
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 11/29/17 TIME: 12:39
CLERK: 9597cbla DEPT:
CUSTOMER#: 0

COMMENT: A-676-17 SIGN

CHG:
ZS-Z A-676-17 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: BOB BARNARD
PAYMENT METH: CASH

REFERENCE:

AMT TENDERED: 20.00
AMT APPLIED: 20.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 6042491
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 11/29/17 TIME: 12:35
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-676-17 APP

CHG:
ZA-Z A-676-17 APP 175.00

AMOUNT PAID: 175.00

PAID BY: BOB BARNARD
PAYMENT METH: CASH

REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

**A-676-17
Aerials**

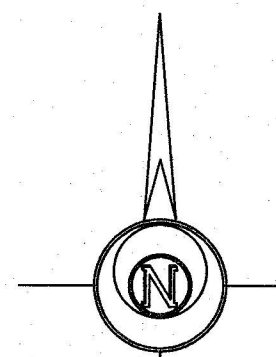
**SUBJECT
PROPERTY**

An aerial photograph showing a residential property outlined in black. The property is situated in a wooded area with several houses and trees. A road is visible on the left side of the image. The text 'SUBJECT PROPERTY' is overlaid on the right side of the outlined area.

N 18°45'02" E 1513.66' TO A
MAGNETIC NAIL SET AT THE
APPROXIMATE CENTERLINE
INTERSECTION OF GOZA ROAD
AND OLD GREENVILLE ROAD.

CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	4195.89'	02°02'49"	149.90'	149.89'	74.96'	N 30°34'01" E



NORTH BASED ON
DEED BOOK 4640,
PAGE 705

RESERVED FOR CLERK OF SUPERIOR COURT

NOTES:

1. THIS IS A RETRACEMENT SURVEY OF EXISTING TRACT AS RECORDED IN DEED BOOK 4640, PAGE 705, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER: LOREY SPOHR AND DUANE GLENN SPOHR PER DEED BOOK 4640, PAGE 707, FAYETTE COUNTY, GEORGIA RECORDS AS OF 08-08-2017.
3. THIS SURVEY WAS AUTHORIZED BY BOB BARNARD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. RECORD BEARING APPLIED TO NORTH PROPERTY LINE.
6. PER CURRENT MAP, THE ADDRESS IS 550 OLD GREENVILLE ROAD AND THE TAX PARCEL NUMBER IS 0440 033.

LEGEND

A/C = AIR CONDITION
B/L = BUILDING LINE
CONC. = CONCRETE
C/O = CLEAN OUT
CTP = CRIMPED TOP PIPE
D.E. = DRAINAGE EASEMENT
D.I. = DROP INLET
HW = HEADWALL
L.L. = LAND LOT
N/F = NOW OR FORMERLY
O/H-U = OVERHEAD UTILITIES
OTP = OPEN TOP PIPE
P/L = PROPERTY LINE
R/W = RIGHT-OF-WAY
S/D = SUBDIVISION
U/P = UTILITY POLE
W.M. = WATER METER

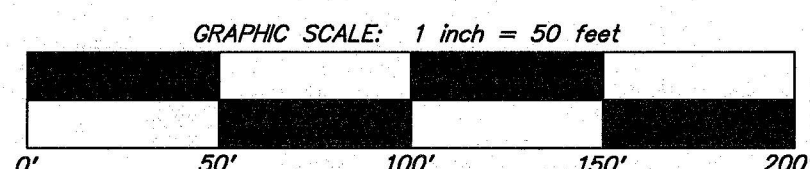
The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 40,429 ft. and an angular error of 4 seconds per angle point, and is UNADJUSTED. A GEOMAX ZOOM 90

was used to obtain linear and angular measurements.

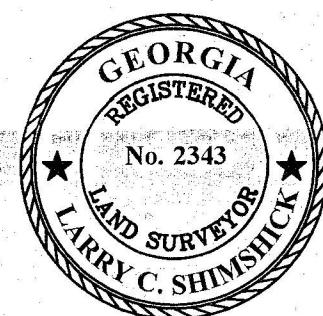
It is my professional opinion, that this plat is true and correct representation of the land platted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 432,351 feet.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Larry C. Shimshick
Larry C. Shimshick, Ga. RLS No. 2343
11-14-2017
Date



This plat was prepared for the exclusive use of the person, persons or entity named hereon. Said plat does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.



PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM CERTIFICATION AS USED IN BOARD RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, BUFFERS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

2.32 ACRES ±

NOTE:
PER PHONE CONVERSATION WITH
THE PLANNING AND ZONING
DEPARTMENT ON 11-16-17
THIS PROPERTY IS ZONED A-R.

SETBACKS:
FRONT = 100'
SIDE = 50'
REAR = 75'

N/F
GERALD R. MITCHELL
DEED BOOK 781,
PAGES 440-442 AND
DEED BOOK 171,
PAGE 186

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Map Number: 13113C0155E Dated: SEPTEMBER 26, 2008

**W.D. Gray and
Associates, Inc.**

LSF000701

land surveyors - planners

160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

DUANE and LOREY SPOHR

LAND LOT: 219

4th DISTRICT

FAYETTE COUNTY, GA.

SCALE: 1" = 50'

DATE OF SURVEY: 11-13-17

DATE OF DRAWING: 11-14-17

REF.

JOB NO. 1711001